

In the High Court of Judicature at Madras

Dated: 03.01.2007

Coram:

The Honourable Mr. Justice P. SATHASIVAM

and

The Honourable Mr. Justice N. PAUL VASANTHAKUMAR

Writ Petition No.1128 of 2006
and WPMP.No.1252 of 2006

1. Rajiv Sampat
2. Jutika R. Sampat
3. Punit Sampat
4. Sweta P. Sampat
5. B.J. Sampat
6. Neela B. Sampat
7. Hamir B. Sampat
8. Jidnyasa Hamir Sampat ..Petitioners

..vs..

1. State of Tamil Nadu,
rep.by the Secretary to Government
Housing & Urban Development Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Member Secretary,
Chennai Metropolitan
Development Authority,
No.8, Gandhi Irwin Road,
Egmore, Chennai-600 008. ..Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Declaration declaring Rule 19(b) III B of the Development Control Rules for Chennai Metropolitan Area and also Rule 7 of the Rules for Information Technology Park contained in Annexure - XV of the Development Control Rules, as ultra vires the Tamil Nadu Town and Country Planning Act 1971, illegal, unconstitutional and unenforceable inasmuch as they relate to the demand of Security Deposit and Caution Deposit for the proposed development insofar as the petitioners are concerned, and to consequently direct the second respondent to issue Planning Permission on the application of the Petitioners without insisting on payment of a total sum of Rs.10,04,000/- as Security Deposit and a sum of Rs.95,24,000/- as Caution Deposit in terms of Letter No.C3/5589/2005 dated 03.01.2006 on the file of the Second Respondent as stated therein.

For Petitioner : Mr. S. Rajasekar
For Respondents : Mr. K. Elango
Spl. Govt., Pleader for R1
Mr.J.Ravindran for R2

ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

Learned counsel for the petitioners seeks permission to withdraw the above writ petition. He also made an endorsement to that effect in the writ petition. Accordingly, permission is granted and the writ petition is dismissed as withdrawn. However, it is made clear that the petitioners are free to challenge the provisions contained in Rule 19(b)(III)-(B) of the Development Control Rules, if need arises, at the appropriate time. No costs. Consequently, connected WPMP., is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary to Government,
Housing & Urban Development Department,
Chennai-600 009.
2. The Member Secretary,
Chennai Metropolitan
Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Chennai-600 008.

1 cc To Mr.J.Ravindran, Advocate, SR.816.

Writ Petition No.1128/06

MA(CO)
RVL 12.01.2007